IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4358 of 2005

Between:

Ch. Tirupalu S/o Veeraiah
R/o Mittapalem(V),

C.S. Puram mandal, Prakasam District.

..... PETITIONER

AND

1 The Commissioner of Endowments,

Boggulakunta, Tilak Road, Abids, Hyderabad
2 Government of Andhra Pradesh,

Revenue (Endowments) Department,

Secrtariat, Hyderabad,

rep., by its Principal Secretary to Government.
3 Sri Kommineni China Adinarayana,

S/o Ramachannaiah,
R/o Mittapalem (V), Prakasam District.
4 Sri Duggireddi Venkata Subba Reddy,

S/o Peda Kasi Reddy,
Kovilampadu (V), Prakasam District.
5 Sri Gonu Rasool Reddy,

S/o Basireddy,
Kovilampadu (V), Prakasam District
6 Sri. Jilakara Narayana Moorthy S/o Vengaiah
C.S. Puram (V), Prakasam District.
7 Smt. Palakollu Gopamma,

W/o Venkateswar Reddy,
C.S. Puram (V), Prakasam District.
8 Sri Yelika Chandraiah Yadav,

S/o Yerraiah, R/o Kovilampadu (V), Prakasam District.
9 Sri Kola Peda Kondaiah,

S/o Peda Guravaiah
R/o Kovilampadu (V), Prakasam District.
10 Sri Pabolu Venkateswarlu,

S/o Venkata Subbaiah,
R/o Pamuru, Prakasam District.
11 Sri Chava Subbaiah,

S/o Narasaiah,
R/o R.K. Palli (V), Prakasam District.
12 The Executive Officer,

Sri Narayana Swamy Temple, Mittapalem Vilalge,
C.S. Puram Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly a Writ in the nature of Writ of Mandamus declaring the action of the first respondent in issuing the impugned proceedings D. Dis No. D2/7388/2005, dated 19-02-2005, constituting a Festival Committee to Sri Narayana Swamy Temple, Mittapalem Village, C.S. Puram Mandal, Prakasam District as bad, illegal, arbitrary and one without jurisdiction.

Counsel for the Petitioner: Mr. M.VIDYASAGAR.

Counsel for the Respondents. 1 & 2: GP FOR ENDOWMENTS.

Counsel for the Respondents. 3 to 11 : NONE APPEARED.

Counsel for the Respondent No.12 : Smt. N.INDRANI.

The Court at the admission stage made the following :

ORAL ORDER:

Heard both sides.

This Writ Petition is filed seeking Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings

D.DisNo.D2/7388/2005, dated 19-02-2005, constituting a Festival Committee to Sri Narayana Swamy Temple, Mittapalem Village, C.S. Puram Mandal, Prakasam District, as bad, illegal, arbitrary and without jurisdiction.

2. The grievance of the petitioner is that the Festival Committee through the impugned proceedings has been constituted by the Executive Officer at the instance of the Member of the Legislative Assembly. It is his further grievance that till now no Festival Committee had been constituted by the 1st respondent and now, for the first time, at the instance of the Member of the Legislative Assembly, the Festival Committee had been constituted. It is further contended that earlier, Festival Committee was constituted by the Government only by issuing a Government Order. Therefore, what is contended is that it is only the Government that can appoint a Festival Committee, but not at the instance of a Member of the Legislative Assembly. The information regarding constitution of Festival Committee by the Government

only, is not coming forth nor put any statutory provision or executive instruction before this court. In such a case, it should be understood that as a matter of convenience, the 1st respondent had appointed the Committee, may be, to supervise or may be to render assistance. Unless and until the petitioner successfully demonstrate that such a Festival Committee has to be constituted only by the Government and that the 1st respondent has no independent role to function, the impugned order cannot be held to be bad in law. I do not find any valid reason to interfere with the impugned order.

3. Accordingly, the Writ Petition is dismissed.

_____

(D.S.R.VARMA,J)

7th March, 2005.

Tsy

To

1 The Commissioner of Endowments,

Boggulakunta, Tilak Road, Abids, Hyderabad

2 The Principal Secretary,

Government of Andhra Pradesh,

Revenue (Endowments) Department,

Secretariat,

Hyderabad,

3 Two CCs to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

4 Two CD copies